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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/749,504

01/02/2004

Klaus Redecker

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03/21/2006

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EXAMINER

GELLNER, JEFFREY L

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,504	Applicant(s) REDECKER ET AL.	
	Examiner Jeffrey L. Gellner	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1 and 2 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 3-6, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement is made of Applicants' IDS received 2 January 2004. The document that have been struck through were not found in 09/524,563. However, a copy of GB 1,290,418 was found in another patent application and was considered by the Examiner. GB 1,290,418 is listed on the Examiner's 892.

Election/Restrictions

Applicant's election of 5-aminotetrazole, zinc peroxide, oxalic acid diamide, iron, and ferrocene in the reply filed on 28 September 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 1 and 2 are withdrawn from examination because they are drawn to a non-elected species. Applicants are reminded that claims 1 and 2 must be cancelled before any claims can pass to issue.

Specification

The disclosure is objected to because of the following informality:

The "CROSS REFERENCE TO RELATED APPLICATIONS" section should be updated to show that 10/323,929 and 09/524,563 are abandoned.

Appropriate correction is required.

Claim Objections

Claims 3,5,7, and 9 are objected to because of the following informalities:

In claim 3, line 15 of text, the language “(b) at least one compound selected from the group consisting of” should be changed to --(b)-- so as reduce ambiguity as to the group from which the fuel is selected.

In claim 5, line 15 of text, the language “(b) at least one compound selected from the group consisting of” should be changed to --(b)-- so as reduce ambiguity as to the group from which the fuel is selected.

In claim 7, line 15 of text, the language “(b) at least one compound selected from the group consisting of” should be changed to --(b)-- so as reduce ambiguity as to the group from which the fuel is selected.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 5, line 26 of text, the language of “coolants, reducing agents, and catalysts” is indefinite because with a closed transitional of “consisting essentially of” there can not be a limitation that can include a variable number of additional elements to the composition.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 5, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson Jr. (US 4,386,979; 8th document on Applicants' SB08A).

As to claims 3 and 9, Jackson Jr. discloses a propellant composition consisting essentially of a cyanuric acid amide salt (from col. 2 lines 41-52) and a oxidizing agent that is a peroxide (from col. 2 lines 53-60), that are only two components (from col. 3 lines 3-5 in that the “third component” is optional), wherein the reaction products do not contain toxic gases (from abstract).

As to claim 5, Jackson Jr. discloses a propellant composition consisting essentially of a cyanuric acid amide salt (from col. 2 lines 41-52) and a oxidizing agent that is a peroxide (from col. 2 lines 53-60), coolants, reducing, agents (these components taken from col. 3 lines 3-57) wherein the reaction products do not contain toxic gases (from abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson Jr. (US 4,386,979; 8th document on Applicants' SB08A).

As to claims 4, 6, and 10, the limitations of claims 3 and 9 are disclosed as described above. Not disclosed is the composition's gas products do not exceed at least one MAK or TV value. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the composition of Jackson et al. by making the composition's gas products do not exceed at least one MAK or TV value so that the composition can be used for its intended purpose in air bags.

Allowable Subject Matter

Claims 7 and 8 are allowed over the art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey L. Gellner whose telephone number is 571.272.6887. The examiner can normally be reached on Monday-Friday, 8:30-4:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Jeffrey L. Gellner', written in a cursive style.

Jeffrey L. Gellner
Primary Examiner
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